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INFO	LOG-00	AID-00	CIAE-00	INL-00	DODE-00	DS-00	VCI-00
	H-00	TEDE-00	INR-00	IO-00	LAB-01	MOFM-00	MOF-00
	VCIE-00	NSAE-00	NSCE-00	OIC-00	PA-00	GIWI-00	FMPC-00
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	G-00	SAS-00	FA-00	SWCI-00	/001R		

RELEASED IN PART
B1, 1.4(D), B5

181098

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C O N F I D E N T I A L STATE 181098

E.O. 12958: DECL: 10/30/2016

TAGS: PREL, PHUM

SUBJECT: INSTRUCTIONS: DISAPPEARANCES CONVENTION AT THIRD
COMMITTEE

Classified By: Deputy Assistant Secretary Mark Lagon: Reasons 1.4 B/D

1. (U) DEPARTMENT PROVIDES THE INSTRUCTIONS IN PARAGRAPH 3 WITH RESPECT TO ACTION ON THE FRENCH RESOLUTION THAT WOULD ADOPT AND OPEN FOR SIGNATURE THE DISAPPEARANCES CONVENTION. ADDITIONAL BACKGROUND ON THE DECLARATION IS SET FORTH IN PARAGRAPH 2.

2. (SBU) WHILE THE DISAPPEARANCES CONVENTION WAS THE RESULT OF SEVERAL YEARS OF CONTENTIOUS NEGOTIATIONS, IT WAS ULTIMATELY ADOPTED BY CONSENSUS AT THE HUMAN RIGHTS COUNCIL IN JUNE 2006. AS MANY DELEGATIONS WHO PARTICIPATED IN THE PROCESS KNOW (INCLUDING FRANCE), THE UNITED STATES HAS MANY LEGAL CONCERNS ABOUT THE TEXT OF THE CONVENTION. THAT SAID, AS A GENERAL RULE, ADOPTION OF A TREATY BY THE UN GENERAL ASSEMBLY IS A PROCEDURAL STEP THAT MERELY DENOTES THE CONCLUSION OF THE NEGOTIATION FINALIZING THE TEXT OF THE TREATY AND PRECEDES THE TREATY'S BECOMING FORMALLY OPEN FOR

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SIGNATURE. IN THE CASE OF THIS TREATY, ITS ADOPTION BY THE GENERAL ASSEMBLY WILL NOT RESULT IN ANY LEGAL OBLIGATION ON THE PART OF THE UNITED STATES.

B5

THE TEXT NEEDS TO BE INTRODUCED AS IT APPEARS BELOW.

3. (C) DEPARTMENT PROVIDES THE FOLLOWING INSTRUCTIONS WITH RESPECT TO ACTION ON THIS CONVENTION:

B1

(B) DELEGATION IS REQUESTED TO READ THE FOLLOWING INTERAGENCY-CLEARED STATEMENT AT THE TIME OF ADOPTION OF THE TREATY: "THE UNITED STATES THANKS THE CHAIR OF THE WORKING GROUP TO DRAFT A CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCES AND ALL PARTICIPANTS IN THE WORKING GROUP FOR FOCUSING ATTENTION ON THIS IMPORTANT ISSUE. THE UNITED STATES HAS BEEN AN ACTIVE PARTICIPANT IN EACH AND EVERY SESSION OF THE WORKING GROUP TO DRAFT A CONVENTION FOR THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCES. GIVEN OUR FULL AND CONTINUOUS PARTICIPATION, WE HAVE ALREADY PROVIDED OUR UNDERSTANDING OF THE INTENT OF STATES THAT

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PARTICIPATED IN THE WORKING GROUP ON A NUMBER OF CORE ISSUES, WHICH ADDITIONALLY EXPRESSES OUR CONCERNS WITH THE FINAL TEXT. WE REAFFIRM AND INCORPORATE HEREIN OUR STATEMENT PRESENTED TO THE HUMAN RIGHTS COUNCIL THIS PAST JUNE, WHICH CAN BE FOUND AT A/HRC/1/G/1 27 JUNE 2006. THE UNITED STATES HAS REQUESTED THAT THIS INTERVENTION AND STATEMENT BEFORE THE COUNCIL BE MADE PART OF THE OFFICIAL RECORD OF THE GENERAL ASSEMBLY IN REGARD TO THE PROPOSED CONVENTION."

(C) DELEGATION IS REQUESTED TO POST BOTH THE EXPLANATION OF POSITION IN 3(B) AND THE HRC STATEMENT ON THE USUN WEBSITE AFTER ADOPTION OF THE CONVENTION. DELEGATION IS ALSO REQUESTED TO HAVE THE EXPLANATION OF POSITION AND THE HRC STATEMENT MADE AN OFFICIAL DOCUMENT OF THE THIRD COMMITTEE AT AN APPROPRIATE TIME GIVEN STRATEGY ISSUES IN 3(A).
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